IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.
CRIMINAL APPICATION No.1686 of 2007

HUSSEIN T. CHANGI AND ANR. ..Applicants.

Vs.

THE STATE OF MAHARASHTRA ..Respondent.

Mr V. T. Tulpule with Ms. Bharati Mahant for the Applicants.

Mr S. S. Pednekar, A.P.P.

Mr Samir Vaidya with Mr. Dalla Ezazat i/b Dalla & Associate for the Respondent-original complainant.

CORAM: V.C. DAGA, J.
DATED: 25th JULY, 2007.

P.C.:-

1. Heard learned Advocate for the applicants, learned A.P.P.for the State and learned Advocate for the original complainant.

2. Perused application and the material available on record.

3. This application under Section 438 of the Cr.P.C.,seeking pre-arrest bail in C.R.No.76 of 2007 registered with Byculla Police Station for the offence punishable under Sections 380, 465, 467 468,and 471 of the Indian Penal Code.

4. Having heard rival parties, the disputed transaction seems to be relating to the shares of "East India Hotels Limited". The investigation would be as to in whose favour the shares are transferred and under whose signatures they are transferred. Further, it will have to be investigated as to whether signatures are forged or otherwise. Under these circumstances, I am of the considered view that no custodial interrogation is needed.

5. Learned APP and the learned counsel for the complainant could not satisfy me as to what purpose would be achieved by seeking custody of the accused. investigation. In this view of the matter, I am inclined to grant anticipatory bail to the applicants.

6. In the event of arrest in C.R.No.76 of 2007 applicants to be released on bail in the sum of Rs.1,00,000/-each with one or two sureties to make up the said amount on the following terms and conditions:

(a) that they should report to Byculla Police Station once in a week i.e. on every Saturday between 3.00 to 5.00 p.m.

(b) the applicants shall not, directly or indirectly, make any inducment, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(c) the applicants shall not pressurise witnesses and that they shall co-operate with the Investigating agency, if required.

7. This order of anticipatory bail shall remain in force till the filing of the charge sheet. It would be open for the applicants to apply for regular bail before the regular Court.

8. The application is allowed in the above terms.

(V.C. DAGA,J.)